United Nations CEDAW/C/SR.1513

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
17 July 2017

English only

Committee on the Elimination of Discrimination against Women
Sixty-seventh session

Summary record of the 1513th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 11 July 2017, at 3 p.m.

Chair: Ms. Halperin-Kaddari (Vice-Chair)

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Second periodic report of Montenegro (*continued*)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.17-11763 (E) 170717 170717

1711763

Please recycle

In the absence of Ms. Leinarte, Ms. Halperin-Kaddari (Vice-Chair) took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Second periodic report of Montenegro (*continued*) (CEDAW/C/MNE/2; CEDAW/C/MNE/Q/2 and Add.1)

1. *At the invitation of the Chair, the delegation of Montenegro took places at the Committee table.*

Articles 1 to 6 (*continued*)

2. **Mr. Kuševija** (Montenegro) said that the Government had identified the need to develop services for women and child victims of domestic violence in accordance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention). The Ministry of Labour and Social Welfare funded an SOS hotline that had received 3,384 complaints of domestic violence in 2016, while social work centres provided advisory and therapeutic services, psychological support and legal aid for victims. The Strategy for Protection from Domestic Violence had been adopted in 2016 with five goals, namely: to harmonize national legislation with the Istanbul Convention; to enhance the professional skills of the multidisciplinary teams operating in social work centres; to increase public awareness of violence against women and domestic violence; to increase institutional protection for the victims of domestic violence; and to improve access to justice and legal protection against domestic violence. The Government was monitoring the implementation of the Strategy and aimed to introduce new services through amendments to the Law on Social and Child Protection, which would allow the Ministry of Labour and Social Welfare to grant licences to service providers.

3. **Ms. Pejović** (Montenegro) said that the Government was engaged in various initiatives to achieve gender equality, including education and awareness campaigns, and to prevent gender-based violence. The findings of a survey conducted into the institutional response to domestic violence would be published shortly. Preliminary results indicated that 42 per cent of women had experienced some form of violence at the hands of a husband or partner at some point in their lives, while 18 per cent had experienced it during the previous 12 months. Fifty per cent of respondents believed that violence should not necessarily be reported but could be resolved within the family, while 67 per cent believed that reporting violence was not always advisable because it might result in divorce. Nevertheless, intensive awareness-raising efforts since 2006 meant that domestic violence was increasingly viewed as a social problem that ought to be reported and addressed. The Ministry of Labour and Social Welfare had established an interdisciplinary approach to tackling domestic violence and had taken steps to build the capacity of social work centres. In line with its commitments under the Istanbul Convention, the Government had set up a coordination body and had submitted a report to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), which was scheduled to visit Montenegro in October 2017.

4. With regard to women's empowerment, the Government had implemented education and support programmes as part of the Strategy for the Development of Women's Entrepreneurship and was providing various types of training for over 120 women from the municipalities of Podgorica and Nikšić under a project in the framework of the Instrument for Pre-Accession Assistance of the European Union. The Government also planned to assist women in developing business plans so that they could start up their own companies.

5. **Ms. Ivanović-Derić** (Montenegro) said that an amendment to redefine the offence of rape under article 204 (2) of the Criminal Code, in respect of its provisions on threats, would shortly enter into force. Stiffer sentences had been introduced for the criminal offence of mediation in prostitution; fines had been replaced with prison sentences lasting from 3 months to 2 years, and the offence was punishable by up to 10 years' imprisonment when committed against a minor. Abuses committed against persons engaging in sexual activities for reward or recompense had been categorized as an offence, regardless of

whether the reward was in fact given, and new criminal provisions had been introduced in respect of mutilation, forced sterilization and stalking. Although no cases of human trafficking had been reported since 2014, the Supreme State Prosecutor's Office had reported several convictions for mediation in prostitution, which was a similar offence.

6. **Ms. Bandović** (Montenegro) said that no lawsuits had been brought by women for discriminatory acts based on gender. However, several cases of serious violence against women, including murder and grievous bodily harm, had come before the courts in the previous three years. The courts collected statistical data on the total number of criminal offences, types of offence, sentences handed down and the proportion of convictions and acquittals, which would be made available to the Committee in the 48 hours after the meeting.

7. **Ms. Radoičić-Marović** (Montenegro) said that the delegation would also inform the Committee in writing of the measures contained in the Strategy for Protection from Domestic Violence, as well as those taken by the Ministry of Justice to improve the provision of free legal aid to victims of domestic violence.

8. **Mr. Gjokaj** (Montenegro) said that there had been 46 cases of extramarital community with a minor in 2012 and 2013 and that more details would be provided in writing.

Articles 7 to 9

9. **Ms. Nadaraia** said that she would be interested to know whether any measures were being taken to encourage political parties to promote women to senior positions and to raise the profile of female candidates during election campaigns. Although the increase in the number of women in decision-making positions in politics and public administration was salutary, it was unclear whether adequate funding was allocated to the campaigns of women candidates and the education of young women leaders. Details should be provided on efforts to strengthen the capacity of the institutions concerned to effectively implement gender equality policies.

10. The Committee would also be grateful for information on strategies to eliminate stereotypes pertaining to the role of women in society, which might include monitoring the language used by the media and public institutions. Did the State party collect specific data on sexism in politics in order to better understand and combat the problem?

11. Although women accounted for 43 per cent of diplomatic and consular staff, only 17 per cent were ambassadors and counsellors; she wondered whether the steps taken to increase women's participation in politics had had any impact on their representation in the diplomatic service. Lastly, she would welcome information on women's participation in the judiciary and other areas of public life.

12. **Mr. Zenka** (Montenegro) said that most political parties had a women's forum and that Montenegrin women continued to increase their presence in the diplomatic service, with a female ambassador having recently been appointed to the embassy in Rome. Women played a prominent role in government, while political parties' internal rules stipulated that 30 per cent of candidates must be women and that any woman leaving the party must be replaced by a woman. The principle that 30 per cent of members of parliament should be female was enshrined in law, although in fact the goal was to attain a figure of 40 per cent.

13. **Ms. Pejović** (Montenegro) said that the Government had worked hard to increase the political representation of women and had implemented an empowerment project under the Instrument for Pre-Accession Assistance to develop women's political capacities and improve their leadership skills so that they could build a career in politics. The work undertaken with parliamentary parties in 2016 had been complemented in 2017 by training seminars and advanced courses that had been attended by 200 representatives of political parties, including certified trainers who worked on gender equality issues. Women activists had influenced some of the recent amendments to the Criminal Code. Meanwhile, the Government had produced a study on political parties' gender sensitivity that focused on women's experience of political participation since independence.

14. **Ms. Gabr**, supported by **Ms. Leinarte**, said that she was concerned about reports of problems in access to birth registration and wished to know what solutions were proposed. Although Montenegro permitted the acquisition of citizenship through naturalization and did not discriminate against women or their children in that regard, it was unclear whether foreign women married to Montenegrin men were able to obtain citizenship for children from previous marriages. The State party was to be commended for granting residency to asylum seekers; however, she wondered whether the Strategy for Improving the Position of Roma and Egyptians 2012-2016 had yielded positive outcomes that allowed those groups to live normal lives.

15. **Ms. Đonaj** (Montenegro) said that since children from the Roma, Ashkali and Egyptian communities were not always born in medical institutions, the Law on Civil Procedure had been amended to simplify late registration procedures. The Law stipulated that the regional office of the Ministry of the Interior would instigate the procedure, which should take no longer than 30 days. Between 2008 and 2017, approximately 30,000 persons, including over 1,000 displaced persons, had legally obtained Montenegrin citizenship. The Ministry of the Interior was responsible for maintaining public records on an electronic register.

16. **Mr. Kuševija** (Montenegro) said that the amendments to the Law on Social And Child Protection ensured that the rights enshrined therein were extended to all asylum seekers and displaced persons on an equal footing with the resident population. In addition, a decree on the rights of displaced persons and refugees had been extended for two years, so that all rights would continue to be provided to those groups, except the right to vote.

17. **Ms. Manalo** said that female ambassadors played a key role in the formulation of political and security frameworks, which in many countries were used by the armed forces and the police in peacemaking, peacebuilding and peacekeeping efforts. In that context, she would be interested to learn whether the Ministry of Foreign Affairs and European Integration implemented or planned to implement programmes or incentives to attract young women to careers in the diplomatic service.

18. Regarding nationality, she asked whether a Montenegrin woman could choose to relinquish her citizenship, for example in order to adopt her husband's nationality. She would also like to know if it was easy for foreign spouses to obtain citizenship and if women were entitled to transmit their nationality to their children.

19. **Ms. Đonaj** (Montenegro) said that Montenegro did not recognize dual citizenship. Citizenship could be obtained by a foreign national aged 18 years or older provided that he or she had been released from the citizenship of his or her country of origin and had been married to a Montenegrin citizen for at least three years or had held permanent residence in Montenegro for at least five years. Applicants were also required to have accommodation and a continuous source of income and not be the subject of criminal proceedings either in Montenegro or in the country of origin. Children were entitled to acquire Montenegrin citizenship provided that one of the parents was Montenegrin and certain legal conditions were met.

Articles 10 to 14

20. **Ms. Gbedemah** said that it was unclear whether the project-based initiatives developed by national and international NGOs in primary and secondary education had a sustainable impact. Termination of those initiatives could in fact have negative effects on the education and employment prospects of Roma children. She asked how the Government planned to ensure the sustainability and continuation of those initiatives for the benefit of vulnerable children, particularly Roma and Egyptian children, and children with special educational needs. She also wished to know what proportion of the national budget was spent on education.

21. School attendance and dropout rates among Roma and Egyptian children remained significantly lower than among the general population. Although enrolment rates were increasing, less than a third of Roma and Egyptian children completed primary education. She wished to know whether any studies had been carried out to identify the causes of poor attendance rates and, if so, what the results had been, as well as whether there were any

measures in place to prevent children dropping out of school or to facilitate their return. She asked whether professional qualifications on social inclusion in education were compulsory for teachers of Roma and Egyptian children. She noted that no information had yet been provided on Ashkali children in education.

22. Noting that significantly fewer Roma and Egyptian women were able to read short, simple statements than their male counterparts or the general population, she requested information on the quality of teaching, supervision, monitoring and evaluation. She also asked whether teachers had incentives to improve attainment among those students, whether education could be adapted to those communities, and whether non-formal and vocational education was available to ensure that crucial life skills were acquired.

23. As the majority of preschool teachers were female but most primary teachers were male, she asked whether temporary special measures could be implemented to correct the disparity.

24. She also wished to know whether reviews had been carried out on the impact of education on combating gender stereotypes, and whether curricula, textbooks and teaching practices had been reviewed to ensure that gender inequality was not perpetuated through education. Did teacher training institutions provide courses on gender-related issues?

25. **Mr. Bergby** said that, although legislation provided for equal pay for equal work, men had earned on average 16 per cent more than women in 2014. He requested 2016 statistics on payment disaggregated by gender. The wage gap was the product of direct discrimination, the undervaluation of women's work, the persistence of traditional stereotypes and the struggle of women caregivers to balance their professional and personal lives. In that regard, he wished to know what measures were envisaged to ensure that the principle of equal pay was respected and whether labour inspections and the implementation of a new gender equality index would address the wage gap.

26. Noting that significantly fewer women were employed than men, particularly in the north, and that female workers were concentrated in certain occupations such as education and health care, he asked how the State party intended to improve the participation of women in the workforce in general, and in male-dominated sectors in particular.

27. He wished to know whether the Government supported the Montenegrin Employer's Union in its call for more flexible working arrangements, including part-time work and distance work. He asked how the Government would ensure that women were able to benefit from such arrangements to facilitate their integration into the workforce.

28. Noting the lack of statistics on parental leave, he requested that such data be provided in future. As leave could only be taken by one parent, he asked whether the Government would introduce non-transferable paternity leave to promote the active participation of fathers in childcare. Moreover, in view of the campaign of the United Nations Children's Fund (UNICEF) to ensure that children between the ages of 3 and 6 were enrolled in kindergartens, he would like to know what percentage of children in that age group had access to kindergarten.

29. **Ms. Gbedemah** noted that the State party's report did not contain any information on the affordability of contraceptive measures or the laws on access to abortion. Both the prevalence of contraception usage and knowledge of HIV/AIDS remained low among Roma and Egyptian women in comparison to the general population. With 36.9 per cent of Roma and Egyptian women having had at least one child before the age of 18, it was of concern that reproductive health services were viewed as unfriendly and not widely used, even in areas where they were available.

30. Noting that the prevalence of sexually transmitted infections (STIs) was unknown owing to stigma and discrimination, she asked how the Government intended to strengthen primary health-care capacities on the prevention and management of STIs. It was vital that sex education was mandatory, comprehensive, rights-based and aimed at preventing early pregnancy. Drawing the delegation's attention to the Committee's general recommendation No. 24 on women and health, she requested information on obstacles to contraception usage and women's access to health care, particularly among Roma and Egyptian women and women with disabilities.

31. She would appreciate information on the outcome of the State party's study on the quality of care for mothers and newborns, and asked how and when issues such as the shortage of beds and poor hygiene in medical facilities would be resolved. In addition, she requested information on obstacles, such as cost, distance and a lack of documentation, that prevented women from accessing gynaecological care.

32. Noting that health insurance was free for women over the age of 65, she asked whether conditions suffered only by older women were covered by the insurance. She wished to know what was being done to remove obstacles to women's access to health insurance, which was particularly important for maternity care. As women on maternity leave received only 90 per cent of their salaries, she asked what changes could be made to expedite salary payments.

33. **Ms. Milić** (Montenegro) said that initiatives to facilitate access to education for Roma and Egyptian children focused on early development and ensuring that those children were enrolled in the preschool system. Informal community networks were also used to increase attendance among those children. The satellite school for Roma and Egyptian children in Camp Konik had been closed down. Primary and secondary education were desegregated and many Roma and Egyptian children attended mainstream schools in Podgorica, for which free transportation was provided.

34. In order to improve the primary and secondary school enrolment rate, the Government was actively promoting the role and importance of education. Scholarships and other assistance were available to help disadvantaged children continue in education. Specialized initiatives and curricula had been developed for vulnerable children and children with special educational needs, including programmes to help them prepare for work in specific fields.

35. The campaign to increase preschool enrolment run by the Government and UNICEF mainly targeted schools in rural areas in the northern and central parts of the country. Moreover, efforts to place teachers in areas with few or no preschools had significantly improved school coverage in a sustainable manner.

36. The Government aimed to prevent school dropout at all levels and all teachers were required to keep records of attendance, with the data collected included in monthly reports. The Government was drafting a plan under the Roma and Egyptian integration strategy to address the dropout rate, which was related to arranged marriage, and the gender gap between preschool and primary teachers.

37. Sex education was covered in depth in the national curriculum. Biology was taught in primary and secondary schools, in addition to civic education and courses on healthy lifestyles. In order to combat gender stereotypes, curricula had been reviewed and certain subjects would be amended to incorporate a gender perspective. Teacher training had included a gender-based component for several years. In addition, teachers, particularly preschool teachers, were entitled to ongoing training, and the Government was working on a method for them to share what they learned with their colleagues.

38. **Mr. Gjokaj** (Montenegro) said that Roma and Egyptian children formed a very small percentage of the total population and of the population in education. There were presently 20 Roma and Egyptian university students, of whom 11 were female. All Roma and Egyptian university graduates were in employment.

39. Free textbooks were provided to Roma and Egyptian children by the Ministry of Human and Minority Rights for the first three years of primary education, and subsequently by the Ministry of Education. Scholarships were available for secondary and tertiary education. High school students could receive €60 a month and university students €150 a month. Such support allowed children to continue in education and helped reduce the dropout rate.

40. In addition, the Ministry of Human and Minority Rights organized courses on Roma language and culture for the summer and winter school breaks. In cooperation with the Roma Council and in association with the Bureau for Textbooks, the Ministry had produced the first Roma language textbook and the first Roma-Montenegrin dictionary.

41. **Ms. Milić** (Montenegro) said that standards on inclusion in education had been finalized, taking social welfare and health care into account. The budget for the 2017/18 school year would fund 20 mediators for schools.

42. **Mr. Ratković** (Montenegro) said that in the case of a violation of the right to equal work for equal pay, the employee received the sum of their unpaid wages as compensation and unlawful decisions made by their employers were declared null and void. There had been no recorded violations in 2016. Wages were regulated by specific laws in the public sector and by general collective agreements in the private sector. Implementation of the law was monitored by the Labour Inspectorate, which carried out regular and ad hoc inspections in cooperation with NGOs.

43. **Mr. Kuševija** (Montenegro) said that there was an integrated record of parental leave, in addition to disaggregated data. One parent was entitled to parental leave of 365 days from the baby's birthdate: such leave was used by both fathers and mothers. Employees on parental leave received their wages from their regular employers, who received money from social work centres. The average national monthly amount spent on parental leave wages was €700,000.

44. **Ms. Klikovac** (Montenegro) said that reproductive health was a government priority at all levels of the health-care system. Emphasis was placed on primary care and the country had only one tertiary health-care centre. Outpatient health-care facilities were available in urban and rural areas, including in the north, where weather conditions could make access difficult.

45. Contraception was available at outpatient centres at the primary care level through trained staff and specialists in family medicine. One doctor was assigned per family, rather than one per person. In addition, marriage and family counselling was available in Podgorica, as well as counselling for persons with HIV/AIDS or STIs and reproductive health counselling for adults and young people. Special counselling was available for girls under 18 years of age, who often received insufficient family support for sexual health problems. Additional support was provided by NGOs.

46. There had been a programme for many years to facilitate access to health care for Roma and Egyptian women, and medical screenings were organized for rural women and girls. The Government wished to raise awareness of the importance of screening so that more people would seek medical examinations as a preventive measure.

47. Free health insurance for older persons had been harmonized with the provisions of the national labour law. The Government was developing a single system in which all persons would be registered in order to clarify their entitlement to use health-care services.

48. **Mr. Ratković** (Montenegro) said that a working group had been established to amend Montenegrin labour law in order to cover flexible forms of employment. At present, employers were responsible for determining the terms and conditions of employment for employees working flexibly, including their duties and wages.

49. **Ms. Hayashi** said that the "lifetime benefits" introduced for women clearly served as a disincentive for entering the labour market and reinforced gender stereotypes. She wished to know whether there were mechanisms to assess the gender impact of new social welfare laws, policies or measures. She asked whether the Government intended to take action to enable women to resume their previous employment after leaving their job in order to receive the lifetime benefit. She would appreciate information on any efforts to act upon the recommendations of the concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/MNE/CO/1, para. 14), namely requalification, loans for entrepreneurship and tax benefits for employers to promote the hiring of persons from marginalized groups.

50. The fact that women did not often own real estate was an obstacle to self-employment and the economic empowerment of women. She would welcome information on how the Strategy for the Development of Women's Entrepreneurship sought to address that issue, and what the goals, time frame and budget allocation of the strategy were, especially with regard to vulnerable groups.

51. **Ms. Hofmeister**, noting that one third of the female population in Montenegro lived in rural areas and that many women worked at home and in agriculture, lacked basic amenities such as electricity, running water and adequate transport links, and had limited access to education and health services, the labour market and cultural events, said that she would appreciate information on any concrete steps the State party intended to take to improve the situation of rural women in accordance with general recommendation No. 34 on the rights of rural women (CEDAW/C/GC/34). Given that women with disabilities had often been kept hidden from society since childhood because the parents felt ashamed, she would like the delegation to describe any action taken to increase social acceptance and access to education and health care, particularly with regard to the Strategy for the Integration of Persons with Disabilities and its gender impact.

52. Roma and Egyptian women were the most vulnerable group in the country; they lived in poverty and suffered social exclusion. The school dropout rate among girls from those communities was especially high and they often married at an early age. The Committee would like to see the results obtained thus far from implementing the strategies and action plans for 2012-2016 and 2016-2020 to improve the status of women from Roma and Egyptian communities.

53. Members of the lesbian, gay, bisexual and transgender (LGBT) community were forced to hide their sexual orientation and identity in order to protect themselves, since they were subject to attacks and harassment on the street, in the workplace and sometimes within their own families. She would like to hear what steps had been taken to combat homophobic violence against LGBT people, and what legal framework was in place to protect them.

54. The Committee had been informed that there was only one prison for women, where they were detained regardless of the length of the sentence and nature of the crime. Human rights violations included a lack of contact with their children, no access to educational programmes, racism and violence from male staff, and a lack of drug rehabilitation programmes. She would welcome information on measures to improve the situation of women in detention by addressing each of those areas of concern.

55. **Ms. Racković** (Montenegro) said that initiatives were under way to make allowances available for rural households. Women and young farmers were given high priority when allocating agriculture investment funds. Women constituted 10 per cent of the country's landowners. As part of the country's agricultural policy, both male and female landowners who had no source of income other than that from their farms were entitled to special benefits and an old-age pension. Just under half of the 3,700 recipients of such benefits were women.

56. **Mr. Kuševija** (Montenegro) said that as far as the delegation was aware, there were no villages without electricity or a water supply.

57. The Government had issued a negative opinion on the bill granting the lifetime benefit to mothers with three or more children; however, parliament had still passed the law without a fiscal assessment. A Constitutional Court decision was pending regarding the constitutionality of the law. The Government was unable to reinstate women who had left their job to claim the lifetime benefit because they had terminated their employment contract. Nevertheless, a significant proportion of the €5 million received by the Employment Agency to create new jobs would be dedicated to increasing female employment.

58. The response to the Committee's question regarding the employment sector would be submitted in writing.

59. **Ms. Milić** (Montenegro) said that access to education, equal opportunities and ability based-learning were the guiding principles of educating children with disabilities. Both boys and girls were covered by programmes in that regard. Special schools had been converted into resource centres to support inclusive education; children with disabilities attended mainstream schools. The reaction of children with disabilities to their learning environment was assessed on a case-by-case basis according to the type of disability. No

distinction with regard to gender was made. There were specific learning activities for girls to encourage individual development on the basis of their abilities and potential.

60. **Mr. Zenka** (Montenegro) said that 170 flats had been built for internally displaced and displaced persons, and efforts had been made in the previous five years to improve their living conditions and cater for their needs.

61. **Mr. Gjokaj** (Montenegro) said that a team of experts had been hired to assess the previous strategy when drafting the strategy for the social inclusion of Roma and Egyptian women for 2016-2020. Annual action plans had been created on the basis of the strategy and had been adopted by the Government. A commission, which met every quarter, monitored the implementation of the action plans. Meetings were also held with Roma NGOs and the Roma Council to monitor the implementation of the strategy.

62. **Ms. Klikovac** (Montenegro) said that the provision of health care to persons with disabilities was based on the concept of equality. Although such services were in theory available to all, physical access to health centres remained a problem. The adaptations needed to make buildings accessible to persons with disabilities were the responsibility of, and would be funded by, the Ministry of Health and the Ministry of Sustainable Development and Tourism. Medical equipment, such as dentist's chairs and obstetric tables, had already been adapted for use by persons with disabilities.

63. **Ms. Radošević-Marović** (Montenegro) said that in December 2016 the Government had introduced a strategy aimed at preventing discrimination against persons with disabilities, which focused on respect for the human rights of persons with disabilities, rather than solely on the social inclusion of such persons. The strategy was based on the 2015 Law on the Prohibition of Discrimination against Persons with Disabilities, which provided for protection from all the types of discrimination covered by the Convention on the Rights of Persons with Disabilities and required the authorities to take action to eliminate stereotypes and all types of discriminatory action against such persons.

64. The State party had introduced a strategy to improve the quality of life of LGBT persons, who until relatively recently had received little recognition in the country. Work was being carried out in conjunction with NGOs to raise awareness of and tackle issues concerning LGBT people in towns and cities outside the capital.

Articles 15 and 16

65. **The Chair**, speaking in her capacity as an expert, said that according to one survey, almost 60 per cent of judges prioritized family preservation over the interests of individual family members, and believed that family reconciliation was always in the best interests of the child. Judges very rarely took domestic violence into account when considering custody cases, in spite of a recent amendment to the Family Law which stated that a child could maintain a relationship with each parent only where there was no threat to the child. The failure of judges to consider domestic violence as a factor could be due to a lack of communication between the relevant courts, inadequate awareness of the protection measures available, or the fact that they did not believe women when they claimed to be victims of domestic violence.

66. She wished to know whether the Government was aware of the growing influence of men's organizations over the media, members of parliament and even the judiciary, with the result that women were portrayed as manipulative and not to be trusted, leading some judges to dismiss women's claims that they had been victims of domestic violence. Was the Government conducting research into possible links between judicial decisions in child custody cases and domestic violence? Was the Government monitoring the growing number of rulings on shared custody and analysing their effect on children's welfare and development? She would like to know if there had been any instances where orders for the removal of children from shared residences or restraining orders had been issued in domestic violence cases.

67. She was concerned about the legal provisions on matrimonial property introduced in 2016. As she understood it, although property was divided equally between the spouses at the time of the divorce, women had to prove that they owned their share and that they had

contributed to the joint property. Since article 288 of the Family Law narrowly defined property as property acquired by the spouses through work during their marriage, she wondered whether account was taken of future income from worker's compensation, severance pay and pension entitlements, as well as future earning capacity, which could be vastly different for women and men. Furthermore, article 294 stipulated that if one spouse proved that his or her contribution was significantly higher than that of the other spouse, the property would be divided accordingly. Since data from other jurisdictions had revealed that such provisions were highly detrimental to women, she wished to know whether any studies had been conducted in that regard.

68. **Mr. Zenka** (Montenegro) said that in general, men and women had the same rights to property acquired during marriage. Even where the wife was not employed, the property was divided equally upon divorce. On the question of women having to provide proof of their contribution, further information would be provided to the Committee in writing.

69. **Ms. Pejović** (Montenegro) said that details of the action taken to promote gender equality were available on the website of the Ministry of Human and Minority Rights. Information concerning restraining orders, decisions by the misdemeanour court and the Supreme Court, and data on the SOS hotline would be submitted in writing.

70. The Family Law had been amended in July 2016 and had entered into force in May 2017. Article 288 stated that joint property constituted assets acquired by the spouses through the use of intellectual rights or insurance, as well as work. Subsequent to the amendment, spouses were entitled to individually own any property acquired while married; the spouses each managed their own property unless agreed otherwise. Furthermore, the involvement of notaries provided additional guarantees in terms of women's property rights.

71. **Ms. Gbedemah** said that she would appreciate an answer to her question concerning the proportion of the national budget spent on education and how the Government planned to ensure the sustainability of initiatives for the benefit of vulnerable children. She also wished to know whether the subject of gender studies was compulsory in both the teacher training and school syllabuses. The response that had been received on sex education focused on the teaching of biology; however, the Committee was of the view that sex education should be mandatory, universal and rights-based, and that it should encourage responsible sexual activity and pay special attention to preventing early pregnancies.

72. **Ms. Manalo** said that she would welcome a response to her question as to whether there was a law to prevent harassment in the workplace. If not, she wished to know how the State party intended to protect employees and employers from threats and abuse.

73. Noting that there had been an increase in the number of sex-selective abortions in spite of the law against such practice, she wished to know what measures would be taken to enforce the law.

74. **Mr. Zenka** (Montenegro) said that the responses to outstanding questions would be submitted in writing. His Government remained determined to make further progress in implementing the Convention and the Committee's comments and recommendations were much appreciated.

The meeting rose at 5.20 p.m.